

AMENDMENTS TO THE DRAWINGS

Replacement drawings for FIGURES 1A and FIGURES 1B are provided herewith.

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REMARKS

Claims 1-26 are pending in the application and have been examined. Claims 1-26 stand rejected. Claims 1, 2, 7-10, 14, 15, 19, and 21-24 have been amended. New Claims 27-34 have been added. No new matter has been added. Reconsideration and allowance of Claims 1-34 in view of the amendments and following remarks is respectfully requested.

The Objection to the Drawings

Replacement drawings for FIGURE 1A and FIGURE 1B are provided herewith that are each labeled "Prior Art" as requested by the Examiner. Removal of this ground of objection is respectfully requested.

The Objection to Claim 22

Claim 22 has been amended to remove the term "Group 2B elements" and insert the phrase "the group consisting of zinc and cadmium." Removal of this ground of rejection is respectfully requested.

The Rejection of Claim 15 Under 35 U.S.C. § 112, Second Paragraph

Claim 15 has been amended to remove the phrase reciting "an angle of about 45 degrees," which is now included as new Claim 33. Removal of this ground of rejection is respectfully requested.

The Rejection of Claims 1, 3, and 4 Under 35 U.S.C. § 102(b) as Being Anticipated by U.S. Patent No. 4,955,172 (Pierson)

Claims 1, 3, and 4 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,955,172 (Pierson). Applicant respectfully traverses this rejection for the following reasons.

Without acquiescing to the Examiner's position, but in order to facilitate prosecution, Claim 1, from which Claims 3 and 4 depend, has been amended to clarify that the distal end of

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the second wall is projected toward the channel bottom at an acute angle of less than 90 degrees to define a negative slope. Claim 1 has also been amended to recite "wherein the second wall is projected substantially perpendicular to the channel bottom at a height greater than the first wall." Support for these amendments is found in the specification at page 9, lines 5-9; and page 8, line 31, to page 9, line 4.

Pierson does not teach or suggest the claimed invention, as amended. In contrast to the claimed invention, Pierson discloses an anchor with a channel body with two walls of the same height that are oriented at 90 degrees to the proximal end, and parallel to the anchor bottom. Moreover, as described in the specification, the shape of the anchor as claimed in Claim 1 provides several unexpected advantages over the anchoring system disclosed in Pierson. For example, "the three sided channel body shape of each anchor allows each key to interlock with, and strengthen the anchor channel as the key interfacing the masonry veneer is tensioned." Specification at page 6, lines 15-20. As a further example, as described in the specification, the shape of one of the walls of the anchor serves as a strengthening gusset and prevents the elongated channel body of the anchor from bowing and deforming during galvanizing. Specification at page 6, lines 21-23.

Therefore, Pierson does not disclose or suggest the claimed invention, as amended. Withdrawal of this ground of rejection is respectfully requested.

The Rejection of Claims 9-12 Under 35 U.S.C. § 102(b) as Being Anticipated by Dur-O-Wal

Claims 9-12 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Dur-O-Wal. Applicant respectfully traverses this rejection for the following reasons. Without acquiescing to the Examiner's view, but in order to facilitate prosecution, Claim 9, from which Claims 10-12 depend, has been amended to recite "a key that interfaces the masonry veneer and interlocks with

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an anchor mounted on the structure, comprising: a substantially flat body with two ends, a first end of the substantially flat body having a slit to interlock with the anchor, and a second end of the substantially flat body having one or more openings for mortar capture, wherein the slit is slanted towards the anchor at an acute angle less than 90 degrees." Support for this amendment is found in the specification at page 11, lines 24-26.

Dur-O-Wal does not teach or suggest the claimed invention, as amended. The Examiner cites the key labeled D/A 131 of Dur-O-Wal as having a flat body with two ends, the first end having a "slit" to interlock with an anchor, and the second end having an opening for mortar capture. Contrary to the Examiner's assertion, it is noted that the D/A 131 key of Dur-O-Wal does not include a slit, but rather includes a side cut. In contrast, the claimed invention comprises a slit that is cut into the first or second side of the key body at an acute angle. See specification at page 11, lines 22-31. The slit feature in the key is distinguished from a side cut feature that also may be present in some embodiments of the key. For example, in the embodiment of the key shown in FIGURE 4C, "the second side 410C of the first end 402C of the key 400C comprises the *slit* 406C to interlock with an anchor and the first side 408C of the first end 402C of the key 400C has a *side cut* 420C." Specification at page 12, lines 23-28, emphasis added. Moreover, as further recited in Claim 9, the slit feature of the claimed invention is "slanted towards the anchor at an acute angle of less than 90 degrees." In contrast, the side cut of the Dur-O-Wal anchor slants away from the anchor.

Therefore, the claimed invention is believed to be patentable over Dur-O-Wal because the cited reference does not disclose or suggest the claimed invention, as amended. Withdrawal of this ground of rejection is respectfully requested.

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The Rejection of Claim 2 Under 35 U.S.C. § 103(a) as Being Unpatentable Over U.S. Patent No. 4,955,172 (Pierson) in view of Halfen

Claim 2 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,955,172 (Pierson) in view of Halfen. Applicant respectfully disagrees with the Examiner's conclusions for at least the following reasons.

Claim 2 depends from Claim 1, which has been amended as described above. Claim 2 further recites "the distal end of the second wall is projected toward the channel bottom at an acute angle from about 30 degrees to about 60 degrees." In contrast to the claimed invention, Pierson discloses an anchor with a channel body with two walls of the *same height* that are oriented at *90 degrees to the proximal end*, and parallel to the anchor bottom.

Halfen fails to cure the deficiencies of Pierson. It is noted that the claimed invention, as amended, recites "wherein the second wall is projected substantially perpendicular to the channel bottom at a height greater than the first wall." In contrast, it is noted that all the anchors illustrated on page 3 of Halfen have a first and second wall that have the same height, i.e., are symmetrical. Therefore, even if the references were to be combined, which there is no motivation to do, a *prima facie* case of obviousness has not been established because the combined teachings fail to disclose or suggest every limitation of the claimed invention. Accordingly, removal of this ground of rejection is respectfully requested.

The Rejection of Claims 5, 14-16, 18, and 19 Under 35 U.S.C. § 103(a) as Being Unpatentable Over U.S. Patent No. 4,955,172 (Pierson) in view of Dur-O-Wal

Claims 5, 14-16, 18, and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,955,172 (Pierson) in view of Dur-O-Wal. Applicant respectfully disagrees with the Examiner's conclusions for at least the following reasons.

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With regard to Claim 5, the Examiner has taken the view that Dur-O-Wal discloses finishes of stainless steel and hot-dipped galvanized steel, and it would be obvious to modify the anchor of Pierson using materials recommended by Dur-O-Wal because those materials are economical and resist corrosion. Claim 5 depends from Claim 1 which recites, as amended, "wherein the second wall is projected substantially perpendicular to the channel bottom at a height greater than the first wall." In contrast to the claimed invention, Pierson discloses an anchor with a channel body with *two walls of the same height* that are oriented at 90 degrees to the proximal end, and parallel to the anchor bottom. Dur-O-Wal fails to cure the deficiencies of Pierson in this regard. Similar to the anchors of Pierson, the anchors illustrated in Dur-O-Wal (*e.g.*, see page 7) also show a channel body with two walls of the same height that are oriented at 90 degrees to the proximal end, and parallel to the anchor bottom. Therefore, even in combination, the cited references fail to teach or suggest all the limitations of the claimed invention.

As further evidence of the differences between the anchor disclosed in Dur-O-Wal and the claimed invention, enclosed herewith as Exhibit A is the declaration of inventor Stephen F. Wobber (The Wobber Declaration) describing a telephone and email exchange with a Dur-O-Wal representative. As set forth in the Wobber Declaration (Exhibit A), and evidenced by supporting documentation (Exhibit B), on September 2, 2007, Mr. Wobber called Mark Erickson, a Dur-O-Wal Market Specialist, to inquire whether the D/A 100 dovetail anchor shown in the Dur-O-Wal Brochure 04082/DUR on page 9 could be mounted on a wall to anchor a masonry veneer to the wall. Mr. Wobber also inquired whether the D/A 100 dovetail anchor product was available with hot dipped corrosion protection. On September 5, 2007, Mr. Wobber received an email message from Mark Erickson, provided as Exhibit B, in which he informed Mr. Wobber that "the D/A 100 must be cast into concrete by design in order to work." The email

message from Mr. Erickson also stated that "the D/A 100 product is not available with hot dipped corrosion protection."

As described in the specification, the shape of the anchor as claimed in Claim 1 provides several unexpected advantages over other anchoring systems, such as the Dur-O-Wal system. For example, "the three sided channel body shape of each anchor allows each key to interlock with, and strengthen the anchor channel as the key interfacing the masonry veneer is tensioned." Specification at page 6, lines 15-20. As a further example, "the shape of one of the walls of the anchor serves as a strengthening gusset and prevents the elongated channel body of the anchor from bowing during galvanizing." Specification at page 6, lines 21-23.

Therefore, the cited references fail to teach or suggest the invention of Claim 1, or Claim 5, which depends from Claim 1. Removal of this ground of rejection is respectfully requested.

With regard to Claims 14-16, 18, and 19, without acquiescing to the Examiner's view, but in order to facilitate prosecution, Claim 14, from which Claims 15, 16, 18, and 19 depend, is directed to a masonry coupling system, and has been amended to clarify that the anchor comprises a second wall that is projected toward the channel bottom at an acute angle of less than 90 degrees to define a negative slope. Claim 14 has also been amended to recite "at least one key . . . wherein the slit is slanted towards the anchor at an acute angle of less than 90 degrees."

The Examiner has taken the view that it would have been obvious to combine the anchor of Pierson and the key of Dur-O-Wal with the motivation of creating a wall reinforcement system for hanging objects. Applicant disagrees with the Examiner's conclusions. As described above, Dur-O-Wal does not teach or suggest a key with a *slit* slanted *towards* the anchor at an acute angle of less than 90 degrees. As further described above, Pierson does not teach or

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suggest that the distal end of the second wall is projected toward the channel bottom at an acute angle of less than 90 degrees to define a negative slope. Therefore, even if combined, which there is no motivation to do, the combined teachings fail to teach or suggest all the limitations of the claimed invention. Accordingly, removal of this ground of rejection is respectfully requested.

The Rejection of Claim 20 Under 35 U.S.C. § 103(a) as Being Unpatentable Over U.S. Patent No. 4,955,172 (Pierson) in View of Dur-O-Wal, in Further View of U.S. Patent No. 5,816,008 (Hohmann)

Claim 20 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,955,172 (Pierson) in view of Dur-O-Wal, in further view of U.S. Patent No. 5,816,008 (Hohmann). The Examiner acknowledges that neither Pierson nor Dur-O-Wal disclose an anchoring system with at least two anchors. The Examiner characterizes Hohmann as disclosing an anchoring system with at least two anchors where each anchor (40) is mounted on a structure (26) in alternate orientation with respect to the adjacent anchor. The Examiner then concludes that it would have been obvious to include at least two anchors in the anchoring system, with the motivation to further strengthen the veneer wall. Applicant respectfully disagrees with the Examiner's conclusions for at least the following reasons.

Claim 20 depends from Claim 14 and is believed to be patentable over Pierson and Dur-O-Wal for at least the reasons described above. Moreover, as acknowledged by the Examiner, neither Pierson nor Dur-O-Wal disclose an anchoring system with at least two anchors in an alternating configuration. The teachings of Hohmann fail to cure the deficiencies of the cited references. Contrary to the Examiner's assertion, Hohmann does not disclose an alternating configuration of anchors. Hohmann illustrates an anchor plate system, which includes symmetrical anchor plates (40) which are each mounted in the same orientation on the

structure (6), which is a similar system to that illustrated in prior art FIGURE 1A of the instant application. In contrast, the claimed invention is directed to alternating orientation of non-symmetrical anchors. See, *e.g.*, FIGURE 2B.

Accordingly, because the cited references, in any combination, fail to teach or suggest the claimed invention, removal of this ground of rejection is respectfully requested.

The Rejection of Claim 15 Under 35 U.S.C. § 103(a) as Being Unpatentable Over U.S. Patent No. 4,955,172 (Pierson) in View of Dur-O-Wal, in Further View of Halfen

Claim 15 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,955,172 (Pierson) in view of Dur-O-Wal, and in further view of Halfen. Applicant disagrees with the Examiner's conclusions for at least the following reasons.

Claim 15 depends from Claim 14, which has been amended as described above. As described above, Dur-O-Wal does not teach or suggest a key with a *slit* slanted *towards* the anchor at an acute angle of less than 90 degrees. As further described above, Pierson does not teach or suggest that the distal end of the second wall is projected toward the channel bottom at an acute angle of less than 90 degrees to define a negative slope.

Halfen fails to cure the deficiencies of the cited references. Halfen does not teach or suggest a key with a slit slanted towards the anchor at an acute angle of less than 90 degrees.

Therefore, even if combined, which there is no motivation to do, the combined teachings fail to teach or suggest all the limitations of the claimed invention. Accordingly, removal of this ground of rejection is respectfully requested.

The Rejection of Claims 6, 13, and 17 Under 35 U.S.C. § 103(a) as Being Unpatentable
Over U.S. Patent No. 4,955,172 (Pierson) in View of Dur-O-Wal, in Further View of U.S. Patent
No. 4,885,884 (Schilger)

Claims 6, 13, and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,955,172 (Pierson) in view of Dur-O-Wal, and in further view of U.S. Patent No. 4,885,884 (Schilger). Applicant respectfully disagrees with the Examiner's conclusions.

Claim 6 depends from Claim 1, and is believed to be patentable over Pierson and Dur-O-Wal for the reasons described above in connection with the rejection of Claim 5 (which also depends from Claim 1). As described above, neither Dur-O-Wal nor Pierson disclose or suggest anchors wherein the second wall of the anchor is projected substantially perpendicular to the channel bottom at a height greater than the first wall, as claimed.

Claim 13 depends from Claim 9, and is believed to be patentable over Pierson and Dur-O-Wal for at least the reasons described above in connection with the rejection of Claim 9.

Claim 17 depends from Claim 14, and is believed to be patentable over Pierson and Dur-O-Wal for at least the reasons described above in connection with the rejection of Claim 14.

Schilger is cited by the Examiner as disclosing wall constructing objects being fabricated from a 10 gauge to 25 gauge galvanized steel sheet. Schilger does not cure the deficiencies of Pierson and Dur-O-Wal with regard to the claimed invention of Claim 1, from which Claim 6 depends; Claim 9, from which Claim 13 depends; or Claim 14, from which Claim 17 depends. Schilger merely discloses studs which are attached to cement wall panels, and does not remotely disclose or suggest the invention as claimed.

Accordingly, removal of this ground of rejection is respectfully requested.

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The Rejection of Claims 7 and 8 Under 35 U.S.C. § 103(a) as Being Unpatentable Over U.S. Patent No. 4,955,172 (Pierson)

Claims 7 and 8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,955,172 (Pierson). Applicant respectfully disagrees with the Examiner's conclusion. Claims 7 and 8 depend from Claim 1, and are patentable over Pierson at least for the reasons described above in connection with the rejection of Claim 1. As described above, Pierson does not teach or suggest that the distal end of the second wall is projected toward the channel bottom at an acute angle of less than 90 degrees to define a negative slope. Accordingly, removal of this ground of rejection is respectfully requested.

The Rejection of Claims 21-23 and 26 Under 35 U.S.C. § 103(a) as Being Unpatentable Over U.S. Patent No. 4,955,172 (Pierson) and Halfen in Further View of U.S. Patent No. 3,259,148 (Krengel)

Claims 21-23 and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,955,172 (Pierson) and Halfen in further view of U.S. Patent No. 3,259,148 (Krengel). The Examiner acknowledges that neither Pierson nor Halfen disclose a method of shaping a first form to create an anchor, or dipping the anchor into a molten substance. The Examiner asserts that it is notoriously well known to shape an object during the process of making it. Krengel is cited as disclosing dipping a tube into molten zinc. Applicant respectfully disagrees for at least the following reasons.

Without acquiescing to the Examiner's position, but in order to facilitate prosecution, Claim 21, from which Claims 22, 23, and 26 depend, has been amended to recite "shaping a first form to create an anchor, the anchor including a channel body having a length of at least 1 foot in length." Claim 21 has also been amended to recite "the distal end being projected toward the channel bottom at an acute angle of less than 90 degrees to defined a negative slope."

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It is submitted that the cited references in any combination fail to teach or suggest the claimed invention, as amended. The anchor as claimed is believed to be patentable over the combination of Pierson and Halfen for at least the reasons described above in connection with the rejection of Claim 1. The teachings of Kregel fail to cure the deficiencies of the cited references. Kregel is directed to galvanized steel tubing and does not remotely disclose or suggest the anchor as claimed in the present invention.

Claim 23 is believed to be patentable for at least the reasons described above in connection with Claim 21. Moreover, Claim 23 has been amended to clarify that the method comprises "applying an adhesive layer comprising a weatherproof protective membrane over the length of the channel bottom of the channel body." Support for this amendment is found in the specification at page 10, lines 8-14. None of the cited references teach or suggest the method of Claim 23, as amended. Accordingly, removal of this ground of rejection is respectfully requested.

The Rejection of Claims 24 and 25 Under 35 U.S.C. § 103(a) as Being Unpatentable Over U.S. Patent No. 4,955,172 (Pierson) and Halfen in Further View of Dur-O-Wal

Claims 24 and 25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,955,172 (Pierson) and Halfen in further view of Dur-O-Wal. Applicant disagrees with the Examiner's conclusion for at least the following reasons.

Claims 24 and 25 depend from Claim 21, which has been amended as described above. The anchor as claimed in Claim 21 is believed to be patentable over the combination of Pierson, Halfen, and Dur-O-Wal for at least the reasons described above in connection with the rejection of Claim 1. Accordingly, removal of this ground of rejection is respectfully requested.

New Claims

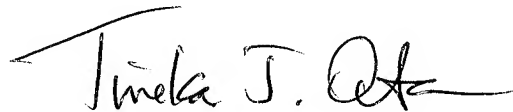
Claims 27-34 have been added. No new matter has been added. Claims 27-31 depend from Claim 1 and are believed to be patentable over the cited art for the reasons described herein in connection with Claim 1. Claim 32 depends from Claim 9 and is believed to be patentable over the cited art for at least the reasons described herein in connection with Claim 9. Claims 33 and 34, which depend from Claim 14, are believed to be patentable over the cited references for at least the reasons described herein in connection with Claim 14.

CONCLUSION

In view of the foregoing remarks, applicant believes that all the pending claims are in condition for allowance. If any issues remain that may be expeditiously addressed in a telephone interview, the Examiner is encouraged to telephone applicant's attorney at 206.695.1655.

Respectfully submitted,

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EXHIBIT A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: S.F. Wobber Attorney Docket No.: ECIG121953
Application No.: 10/774,160 Art Unit: 3609 / Confirmation No: 7274
Filed: February 6, 2004 Examiner: M.R. Wendell
Title: MASONRY ANCHORING SYSTEM

DECLARATION OF STEPHEN F. WOBBER PURSUANT TO 37 C.F.R. SECTION 1.132

Seattle, Washington 98101

September 21, 2007

TO THE COMMISSIONER FOR PATENTS:

I, Stephen F. Wobber, declare as follows:

1. I am the inventor of the subject matter disclosed and claimed in the above-identified application.

2. I have considered the Office Action dated June 28, 2007, issued in the above-identified application. I have read and am familiar with the Dur-O-Wal Brochure 04082/DUR, Buyline 4961, 2000.

3. On September 2, 2007, I called Mark Erickson, a Dur-O-Wal Market Specialist to inquire whether the D/A 100 dovetail anchor shown in the Dur-O-Wal Brochure 04082/DUR on page 9 could be mounted on a wall to anchor a masonry veneer to the wall. I also inquired whether the D/A 100 dovetail anchor product was available with hot dipped corrosion protection.

4. On September 5, 2007, I received an email message from Mark Erickson, provided as Exhibit B, in which he informed me that the D/A 100 must be cast into concrete by design in order to work. The email message also stated that the D/A 100 product is not available with hot dipped corrosion protection.

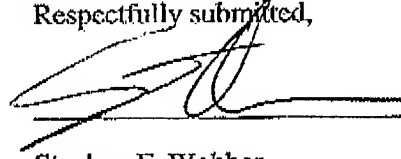
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5. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: _____

9/23/07

Respectfully submitted,



Stephen F. Wobber

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EXHIBIT B

Steve,

In regards to our conversation from the other day. The D/A 100 must be cast into concrete by design in order to work. The dovetail makeup of the product is what locks it into the backup. You are correct; we do not offer this product with the Hot Dipped corrosion protection.

Thank you,

Mark Erickson
Dur-O-Wal Market Specialist